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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,817	12/27/2001	Jean-Claude Abed	34423/242418	3949

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EXAMINER

COLE, ELIZABETH M

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,817

Applicant(s)

ABED ET AL.

Examiner

Elizabeth M. Cole

Art Unit

1771

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 9-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 9-12, 14-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 1771

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 3-5, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Reeder as set forth in the previous action and further in view of Kaiser et al, U.S. Patent No. 5,491,016. Yoshida discloses a bonded fabric as set forth in the previous action. While Yoshida teaches employing staple fibers, (see col. 3, lines 48-56), it does not specifically disclose employing carded staple fibers. Kaiser et al teaches that it is known to employ a carded staple fibers to form fabrics which comprise staple fiber layers comprising polypropylene and polypropylene/polyethylene bi component fibers which are heat bonded. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed carded fibers in the invention of Yoshida, motivated by the teaching of Kaiser that such fibers were useful in forming the nonwoven layers comprising polypropylene and polypropylene/polyethylene staple fibers in which excellent bulkiness was desired.
3. Claims 3- 5, 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Reeder as applied to claims above and further in view of Gessner, U.S. Patent No. 5,593,768 as set forth in the previous action .
4. Claims 9-12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaiser et al, U.S. Patent No. 5,491,016 in view of Reeder et al, U.S. Patent No. 6,468,931 as set forth in the previous action.
5. Applicant's arguments filed 12/19/05 have been fully considered but they are not persuasive.

Art Unit: 1771

6. With regard to Kaiser, Applicant argues that the bicomponent fiber web is buried within the fabric construction while in the instant invention the layers define outer surfaces. However, the instant claims employ open language and do not preclude the presence of additional layers. Additionally, since Kaiser teaches the two claimed layers they would be considered the outer layers of the two claimed layers, in other words, the two layers of Kaiser can be considered to be a fabric having outer layers. The fabric however, can also be combined with other layers.

7. With regard to the combination of Kaiser in view of Reeder, Applicant argues that Kaiser does not teach the orientation of the bond sites and that there is nothing to provide motivation to combine the two references. However, while Kaiser does teach point bonding, it does not teach the use of a smooth and pattern roll, and this is acknowledged in the office action. However, Reeder teaches that nonwoven fabric laminates may be thermally bonded by means of a pair of pattern rolls, a pattern roll and a smooth steel roll, a pattern roll and a rubber roll or other roll combinations known in the art. See col. 6, lines 8-11. Therefore, Reeder teaches that the combination of a pattern roll and a smooth roll for use in bonding nonwoven fabric laminates was known in the art and was equivalent to the use of two pattern rolls or other combinations of rolls. Therefore, since the different types of rolls were art recognized equivalents, it would have been obvious to have selected any one to bond the nonwoven laminate in Kaiser.

8. With regard to the amendment, it is noted that the amendment should have used the status identifier "previously presented" instead of "previously amended". Also, it is

Art Unit: 1771

noted that the amendment lists claims 6-8 as cancelled but provides the text of a claim. It has been assumed that applicant intended to cancel claim 6-8 and did not intend to include the text of any of those claims and that the claim which is presented after 6-8 (cancelled) is not intended to be pending. Therefore, claims 3-5, 9-12, 14-15 are pending.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Art Unit: 1771

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c